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Discourse delivered before the Rhode Island Historical Society, January 13, 1847

by

Hon. Job Durfee.

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A

DISCOURSE,

DELIVERED BEFORE THE

RHODE-ISLAND HISTORICAL SOCIETY,

ON THE EVENING OF

Wednesday, January 13, 1847.

BY HON. JOB DURFEE,
CHIEF JUSTICE OF RHODE-ISLAND.

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DISCOURSE.

Gentlemen of the Historical Society:

In consequence of my compliance with the request of your committee—a compliance, perhaps, unfortunate both for you and me—it has become my duty to address you, and our fellow-citizens generally, upon a purely Rhode-Island theme. I shall, accordingly, speak to you of that Idea of Government, which was actualized, for the first time in Christendom, here in this State, by those who described themselves as "a poor colony, consisting mostly of a birth and breeding of the Most High, formerly from the mother-nation in the bishops' days, and latterly from the New-England over-zealous colonies." I shall speak to you of the origin of this idea—of the various forms which it took, in its progress toward its realization here, in minds of much diversity of character and creed; and of that "lively experiment," which it subsequently held forth, that "a most flourishing civil state may stand, and be best maintained, with a full liberty in religious concernments"—a liberty which implied an emancipation of Reason from the thraldom of arbitrary authority, and the full freedom of inquiry in all matters of speculative faith.

To the founders of this State, and particularly to Roger Williams, belong the fame and the glory of having realized, for the first time, this grand idea, in a form of civil government; but we should honor them at the expense of our common nature, should we say that they were the first to maintain that Christ's kingdom was not of this world, and that the State had no right to interfere between conscience and God. The idea must, undoubtedly, have had its historical origin in him who first endured persecution for conscience's sake. "Saul! Saul! why persecutest thou me?" is a voice, implying a denial of right, which comes with a sudden shining round about of light, not only from Heaven, but has come, and shall ever come, from the depths of persecuted humanity, through all time; and, in proportion to the violence and spread of the persecution, has been, and shall be, the depth and extent of the cry. It is the protest of that all-present Reason, which is, at once, the master of the individual and the race, against the abuse made by the creature, of its own delegated authority. And that time never was, and never shall be, when humanity could, or can, recognize the right of any human power to punish for the expression of a mere conscientious belief.

By what fraudful craft or cunning, then, was it, that this power to punish in matters of conscience came to be established throughout all Christendom, and has been continued down, in some countries, to the present day?—and how happened it that the odious office of punishing

heretics, and enforcing uniformity of opinion, fell, both in Roman Catholic and Protestant countries, on the civil magistrates? This question is fully answered by history.

When men had been brought to believe that they had found a divine and infallible teacher in the Bishop of Rome, it was not difficult to induce them to think that whatever opinion they might entertain, which he thought proper to condemn as heretical, was, in truth, a sin, which they were bound to renounce, on the peril of their salvation; and that then, on having renounced it, upon undergoing a voluntary penance, directed by some ecclesiastical authority, they might be assured of an absolution, and full restoration to the bosom of the church. Thus far it was believed that the spiritual power might proceed. But then, there were frequently those who were much more confident in the truth of their opinions than in the infallibility of the Pope, or their priestly advisers; and such persons, on their opinions being adjudged heretical, were, after all suitable admonition, condemned as incorrigible heretics, and excommunicated.

Yet this was not an extirpation of the heresy; and the Roman Church held that she had a divine right to extirpate heresy; and yet she also adopted the maxim, *Ecclesia abhorret a sanguine*—the Church abhors blood. The holy Church then could not take the *life* of the heretic; and, therefore, she contrived to shift off this odious office upon the secular authority, by imposing an oath upon the princes of Europe, generally, to sustain the Catholic faith, and to extirpate heresy out of the land. It was thus that it fell to the lot of the kings of Europe, and their subordinates, to become the executioners of the Church of Rome. And when the Reformation was established over a part of Europe, national churches took the place of the Roman church, and laws were passed to enforce uniformity; and thus, even in Protestant countries, the ungrateful task of punishing non-conformity and heresy fell on the civil magistrate.

It was by such craft that the power to punish for matters of conscience came to be established, both in Roman Catholic and Protestant countries, and that in both, the odious office of inflicting the punishment fell on the secular authorities.

But though the subjects of the Roman Church may have tacitly conceded to the Pope his claim to infallibility, and have submitted to an authority in the civil magistrate thus usurped over conscience and Reason; yet it is not hence to be inferred that the inborn consciousness of soul-liberty—of the title of Reason to be free—became, thereupon, utterly extinguished and lost. Indeed, long before the Reformation—long before the time of Luther—there were great numbers in Europe, who had, themselves, acquired some knowledge of the Scriptures, and had, consequently, adopted opinions quite inconsistent with the doctrines and traditions of the Church of Rome; and they appeared to be opinions in which they had abundantly more confidence than in the infallibility of the Pope. Now, when these people came to be condemned as heretics, and consigned to the secular authorities, to undergo the sentence and punishment of death, can any one suppose that the appearance of the civil magistrate deceived them into the belief that they had indeed committed a crime? Can any one doubt that they questioned *his* right—as they had questioned the infallibility of the Pope—to come in, with the sentence of death, between their consciences and their God, for a matter of faith in which their eternal

hopes were grounded? Indeed, their deaths were the strongest possible protest against the legitimacy of the power; since no one can be supposed to adhere to an opinion, as right, for which the magistrate may rightfully put him to death. The actual denial of the right of the civil power to interfere in matters of conscience, must, therefore, be coëval with the assumption of the authority.

But men sometimes act on a truth which they feel, though they do not clearly express it in words; and now was this denial of the claims of the secular authority put forth in language, and taught as a doctrine? History is not silent on this point. By a mere glance at its pages, we may follow the progressive development of the inborn idea of the rights of conscience and Reason in the express denial of the legitimacy of the authority usurped over both, from the earliest dawn, to the broad day, of the Reformation. Time will not permit me to dwell on this point. I am now hastening to the political manifestations of this idea, and I can do little more than say, that its protestations, against the exercise of secular power in the concerns of conscience, may be traced down to their results in the Reformation, more or less distinctly, in the doctrines of the Waldenses and Albigenses. These were names designating persons of a great variety of opinions, on minor points, and by which dissenters from the Roman Church were generally distinguished, long before the appearance of Luther. The doctrines of these dissenters, when first noticed, strongly resembled those of the primitive Christians. I cannot enumerate them; but, like the first settlers of this State, they seem to have regarded "Christ as king in his own kingdom;" and, by separating the church from the world, and by repudiating the Roman Church *on account* of its assumption of secular authority, they manifestly denied the right of the civil magistrate to interfere in the concerns of conscience. These people were early found in the valleys of Piedmont, and, at a later period, in the south of France. A crusade was, however, instituted against them by Innocent III., and they were driven from their homes, with conflagration and slaughter, into almost every European kingdom. Rome, thus undesignedly, scattered the seeds of the Reformation broadcast over Europe; and with them those principles and doctrines which expressly separated the Church from the secular power.

The doctrines of the Waldenses had been widely diffused at the dawn of the Reformation, and when Luther appeared, the number of dissenters from the Roman Church, who had adopted these, or doctrines similar to these, were great in every country in Europe; but particularly in Germany. Europe was, in fact, thus made ripe for an insurrection in favor of soul-liberty against soul-oppression, in every form, and particularly against that despotism which the Church asserted, and which it maintained in the last resort, by the agency of the secular power, over the reason and the consciences of its subjects. And, indeed, the Reformation was nothing less than an effort made by this Reason for its own emancipation.

But to break down its prison-walls was not to build its own house; to emancipate itself, was not to secure and establish its own freedom; and, therefore, in the very effort which it made for its emancipation, it necessarily kept this end in view—namely, the ultimate establishment of its own proper asylum, its own free home—so fortified, as to secure it against every attempt to enslave it. Let me endeavor to give this idea a more philosophical expression. This Reason exists in humanity, only in and through

the individual mind. Now, nothing could secure and establish its freedom but *the realization of the individual mind itself—free as its Creator had made it—in a congenial, social mind, standing out, fully developed and expressed, in correspondently free political institutions.* This was the idea; this was the then deeply-involved conception, to which the general mind of Protestant Europe gravitated, unconsciously, but of its own law, as to a common centre. I say unconsciously; but it had its vague and indeterminate aspirations and hopes. It ever had its object dimly and indistinctly before it, though receding at every approach. It was this idea which, for generations, shook Europe to its centre; it was this idea which, when the spiritual domination of Rome was overthrown, and Protestant Europe stood forth in renovated institutions, still haunted the minds of our English ancestry, as a great conception, which had not been, but might yet be, realized; it was this idea which brought them "from the mother-nation in the bishops' days," and finally, "from the New-England over-zealous colonies," here, to the forest-shaded banks of the Mooshausic, where they, at last, fully realized it, in the social order and government of a State.

It may not be inappropriate to trace this idea, through the several stages of its progress, to its realization here. It will, at least, give us confidence in that which may follow, and will, I flatter myself, show that we are not dealing with a phantom of the imagination, but with a sober historical reality.

When the several Protestant governments of Europe had thrown off the spiritual dominion of the Pope, great was the expectation of their subjects that the individual mind would be no longer held in spiritual bondage. This expectation, however, was destined to a considerable disappointment. These governments had indeed thrown off the dominion of the Pope, but they substituted, in the place of it, a dominion of their own. Each established its own national church—Lutheran, Calvinistic, or Episcopal. The king, or head of the nation, became the head of the established order; and laws were enacted, or ordinances promulgated, to enforce uniformity and punish heretics. It is evident, however, that here had been a progress toward the realization of the idea which had caused the Reformation. In Continental Europe, the Lutheran and the Calvinist, under their respective church and state governments, were in the full enjoyment of that soul-liberty which would have been denied to them by the Pope. Each of their minds found its place in a congenial social mind: their idea of soul-liberty was realized. But how was it with those who could not conform to the established church? They were obnoxious to the laws; they were disfranchised, or punished for non-conformity, or heresy. That soul-liberty, for which they had struggled and suffered so much, during the trials of the Reformation, had not been realized; and they were, in respect to conscience, out of legal protection, and objects of persecution. And this was particularly the case in England, the fatherland of our ancestors. The Reformation had there been commenced, not by the people—not by a Luther and his associates—but by the government itself, and for the interest and the purposes of the government. It was commenced in the reign of Henry VIII.; and, after a sanguinary struggle during the reign of Philip and Mary, was at length recognized as fully established, in the reign of Elizabeth.

This event terminated, for ever, the spiritual dominion of the Pope in England, and established Episcopacy as an integral part of the monarchy, with the sovereign at its head. Here, too, was a progress toward the realization of the great idea, but it was a progress made only for the benefit of the Episcopalian; and, indeed, for his benefit only while he continued to adhere to that particular faith. The moment that reason or conscience carried him beyond the prescribed limits, he fell under the ban of Church and State, as a non-conformist or heretic. Nor did he find himself alone. Many there were, who, from the first establishment of the Church of England, thought that the Reformation had not been carried to a sufficient extent; and that the soul-liberty, for which they had endured so much, had not been realized. They were comprehended under the general name of Non-conformists, and consisted of those called Brownists, Puritans, Congregationalists, Independents, and so forth. Neither of these denominations felt that their idea of religious liberty had been realized in an Episcopal Church and State. On the contrary, they felt that how much soever of liberty there might be for the Episcopalian, there was but little for them. A part of those called Puritans, formed themselves into associations or churches, crossed the Atlantic, and established themselves at Plymouth, Salem, and Boston, and became the first settlers of New-England.

They sought these shores, to establish here, far from English bishops and their tyranny over reason and conscience, religious liberty for themselves and their posterity. This, at first, certainly seems to promise the final accomplishment of the great object of the Reformation—even the entire emancipation of the individual mind from spiritual thraldom, and the establishment of its freedom in the bosom of a congenial community. But, in fact, it proved to be only another step toward that end. What they meant by religious freedom, was not the freedom of the individual mind from the domination of the spiritual order, but merely the freedom of their particular church; and just as the English government had thrown off the tyranny of the Pope, to establish the tyranny of the bishops, they threw off the tyranny of the bishops, to establish the tyranny of the brethren. But still, a small community, under the rule of brethren, is nearer to an individual than a nation under a monarch; and the establishment, here, of these churches or religious associations, even under their ecclesiastical and civil forms, proved to be a great approximation toward the realization of the full freedom of the individual mind in congenial social institutions. True, they established nothing but the liberty of Church and State corporations, and of their respective members; but it was easier to break from the restraints imposed by a petty community, than from those imposed by the government and people of England; especially when the daring adventurer had the wilderness before him. And the form, which these religious associations took, was particularly exposed to the liability of provoking disaffection, even among themselves.

Their Church and State governments were essentially the same institution, under different names. The spiritual power was brought down to earth, and into all the relations of private and public life. It appeared in their laws—their judicial proceedings—in the administration of the government, and in all the movements of the State. Nothing of importance was done without the advice of the minister and ruling elders; and we

may well suppose that, under such a form of government, politics and religion were identical. It was designed to make men religious according to law; and there could not be two parties in the State, without there being also two parties in the Church; and to question the authority of either, was to provoke the resentment of both. The brethren were, indeed, free as long as they continued brethren; but Reason was, at that time, moving on to its emancipation, and it could dilate on nothing which did not bring it directly or indirectly into conflict with the Church. It, therefore, soon happened, and particularly in Massachusetts, that numbers of the brethren, of diverse minds in matters of faith, lost their place in the Church, were cast out, and exposed to the penal inflictions of the civil authorities.

Among the earliest, if not the very earliest, of these, was Roger Williams, the founder of this State. He had sought New-England (A. D. 1631) in the expectation that he might here enjoy that religious liberty which was denied him in the mother-country. He was a minister of the gospel. He at first preached in Plymouth, and afterwards became a minister of the church at Salem. He freely expressed his opinion on various subjects. He affirmed that the king's patent could not, of itself, give a just title to the lands of the Indians. He maintained that the civil magistrate had no right to interfere in matters of conscience, and to punish for heresy or apostacy. He contended that "the people were the origin of all free power in government," but that "they were not invested by Christ Jesus with power to rule in his Church;" that they could give no such power to the magistrate, and that to "introduce the civil sword" into this spiritual kingdom, was "to confound heaven and earth, and lay all upon heaps of confusion." In effect, he called upon the Church to come out from the magistracy, and the magistracy to come out from the Church; and demanded that each should act within its appropriate sphere, and by its appropriate means. It was then, for the first time, that the startling thought of a complete separation of Church and State was uttered on these Western shores; and it was then, also for the first time, that the individual mind, free in the sovereign attributes of Reason, stood forth before the Massachusetts authorities, and boldly claimed its emancipation, in the realization of its own true idea of government.

Such a mind was manifestly too large for the sphere of a Church and State combination. It had already broken from its bondage, and now stood out, independent, individual, and alone. Roger Williams was necessarily banished by the Massachusetts authorities. He was sentenced to depart from their jurisdiction within six weeks. But he went about, "to draw others to his opinion," and he proposed "to erect a plantation about the Narragansett bay." The rumor of this reached the ears of the magistracy; and, to defeat his intent, which had for them a most alarming significance, they proposed to send him to England, by a ship then lying in the harbor of Boston. He eluded their quest; plunged into the forest-wilderness; and, after spending the winter among its savage, but hospitable, inhabitants, attempted to form a plantation at Seekonk; but, defeated in this, came, at last, into the valley of the Mooshausic, and here, with a small number of associates, of like aspirations, realized that idea of government, in its first form, which had so long allured, but still evaded, the pursuit of nations and men.

We have thus traced this idea of government, from the first indistinct expressions of itself in the doctrines of the Waldenses, through the struggles of that revolution known as the Protestant Reformation; we have next noticed the imperfect realizations of itself, in the Church and State governments of Europe; we have then seen it cross the Atlantic, in the form of small religious associations, to be again reproduced, imperfectly, in a combination of ecclesiastical and civil institutions; but we have now seen it, impersonated in the individual man, breaking from these restraints, and going forth into the wilderness, there to establish itself in an infant community, as the last result of centuries of effort.

We start, then, with this important fact, well worthy of being for ever fixed in every Rhode-Island mind: namely, that it was *here* that the *great idea*, which constituted the very soul of that religious movement which so long agitated all Europe, *first took an organic form* in a civil community, and *expressed itself in a social compact.*

Let us for a moment attend to the words of that compact; let us hearken to this, its first free expression of itself. We ought not to expect it to announce itself in the clear, strong tones of manhood; for it can speak, at first, only through an infant organization: it will only make known its advent into the material world, by lisping its earliest wants; but, then, it will lisp them so clearly and distinctly, as to leave nothing to be misunderstood.

"We, whose names are hereunder, desirous to inhabit the town of Providence, do promise to subject ourselves, in active and passive obedience, to all such orders or agreements as shall be made for public good of the body, *in an orderly way*, by the major assent of the present inhabitants, masters of families, incorporated together into a town-fellowship, and such as they shall admit unto them, *only in civil things.*"*

Here the great idea resolves itself, manifestly, into two elements—Liberty and Law; the one, necessarily implied; the other, clearly and determinately expressed. Liberty, Soul-Liberty, they take from no earthly power or being. It is the gift of God, in that Reason which is within them, as His law, and which human authority can neither rightfully enlarge nor diminish. In this, its exalted and exalting element, the reason is left to deal freely, and according to its own method, with the Divine, the Eternal, the Infinite, the Absolute, and all that pertains thereto, without let or hinderance. But in the region beneath, in this *meum* and *tuum* world, the proper sphere of the common-sense understanding of mankind—where man may jostle man, where each may claim to occupy the same space, to possess the same thing, to do the same act—they each joyfully accept law at the hands of their fellows, cautiously requiring that it should be *only in these*, their *civil things.*

We have now this idea, with its two elements, as it first manifested itself in the infant community of Providence; but it was destined to extend thence, and organize itself in several towns. And, indeed, fully to try its capacity for government, it should take form in a population of a

* In this compact, we have a government founded on the relations of domestic life—a Patriarchal Republic, ruled by the "*masters of families.*" What Bill of Rights ever so effectually secured soul-liberty as this single phrase, "*only in civil things?*"

great variety of religious creed, and exhibit itself in a diversity of human elements—elements antagonistical, and, in some respects, even irreconcileable: for if they be perfectly homogeneous, such as Church and State require, they cannot give this idea the slightest development. Now, in point of fact, what were these elements?

Why, they were made up of men and women, of a diversity of creeds, who, flying from the soul-oppression of the governments of Europe, and the neighboring colonies, came hither to enjoy soul-liberty. Shortly following the settlement of Providence, the town of Portsmouth and the town of Newport were formed, and the settlement of Warwick was commenced; each with the same object: namely, the enjoyment of soul-liberty, in security from the soul-oppressors of Massachusetts and other colonies. In proof of this diversity of faith, we might cite Dr. Mather, if he could be considered trustworthy authority for that purpose. He represents us to be, at this period, "a colluvies of Antinomians, Familists, Anabaptists, Anti-Sabbatarians, Arminians, Socinians, Quakers, and Ranters; every thing in the world but Roman Catholics and real Christians; so that if a man," continues he, "had lost his religion, he might find it at this general muster of opinionists." Well, the Rhode-Island idea may readily accept all the diversity which the Doctor has given it; for it knows how to organize it, and subject it to order and law. But we must lay the venerable Doctor aside: he lovingly deals too freely with unrealities and monstrosities of all sorts, to be reliable authority in spiritualities of any kind. Of what, then, did this diversity mainly consist?

Why, here were the plain matter-of-fact Baptists, ever the unyielding lovers of religious freedom—ever the repellers of State interference in the concerns of conscience—tracing their genealogy back through the Waldenses, even to the great original Baptist, John. Here, chiefly at Newport, were the familistical Antinomians—so called by their persecutors—the highly-gifted Ann Hutchinson for a season at their head, confiding in the revelations of the indwelling spirit, and a covenant of free grace. Here, too, chiefly at Warwick, was the mystical Gortonist, dimly symbolizing his doctrines in cloudy allegory. Here also was the Fifth Monarchy man, preparing for the Second Advent, and the New Reign on earth. Here, every where, was the Quaker—a quiet, demure, peace-loving non-resistant, in the world of the flesh; but who, on taking fire in the silence of his meditations, became indomitable in the world of spirit, and gave the unresisting flesh, freely, to bondage and death, in vindication of his faith. And here also, it is true, were free-thinkers of all sorts; some who had opinions, and some who had none. Surely, even before other denominations had established themselves within our borders, here were elements of diversity, all-sufficient to try the capacity of the Rhode-Island Idea of government.

Amid such variety of mind, there was little danger that men would melt down into one homogeneous mass—a result to which a Church and State combination ever tends—and lose their moral and intellectual individualities. Such variety of mind could not fail to be active, and to beget action, and to promote and preserve original distinctiveness of character, in all diversity. And such, we find, was the fact. I will endeavor to delineate the characters of a few of the leading minds of the colony, at this time, that we may form some faint conception of the originality and diversity

of character, which marked those who constituted the undistinguished numbers that they led.

Roger Williams and William Harris were the heads of two distinct political parties in Providence. Two marked and prominent traits of intellect gave a strong and decisive outline to the character of Williams: namely, originality of conception in design, and unyielding perseverance in execution. These, every noted fact of his life clearly indicate and prove. He could assert the right of the natives to the soil that contained the bones of their ancestors, and maintain it against the patent of England's sovereign, though he roused the wrath of a whole community against him. He could conceive a new idea of government, and contend for it, against Church and Court, with the penalty of banishment or death before him. He could be "sorely tossed for fourteen weeks, in a bitter cold winter season, not knowing what bed or bread did mean," rather than renounce this new idea. He could seat himself down amid savage nations—study their language, soothe their ferocious dispositions, make them his friends—that he might actualize, in humanity, his yet untried conception. He could write tracts in defence of this peculiar conception, while engaged at the hoe and oar, toiling for bread—while attending Parliament, in a variety of rooms and places—and sometimes in the field, and in the midst of travel. He could, at the age of threescore and ten, row thirty miles in one day, that he might engage in a three-days' discussion with George Fox, on some knotty points of divinity. He was, indeed, a man of the most unyielding firmness in support of his opinions; but no one can say that he ever suffered his firmness to degenerate into obstinacy. Whatever his doctrines were, he was sure to practice upon them to the utmost extent; and if further reflection, or that practice, showed that they were erroneous, he cheerfully abandoned them. He was, indeed, a remarkable man, and one of the most original characters of an age distinguished for originality of conception.

Harris was a man of ardent temperament, of strong intellectual powers—bold, energetic, ever active, and ever persevering to the end, in whatever cause he undertook. Nature seems to have supplied the deficiencies of his early education. Without having made the law a study, he became the advocate of the Pawtuxet purchasers, in their suit against the towns of Providence, Warwick, and others; and of Connecticut, in her claims against Rhode-Island to the Narragansett country. He was rather fitted for the practical, than the speculative; for the sphere of the senses, than for the sphere of the ideal. He could not, like Williams, contemplate both spheres at the same time in their mutual relations; and the consequence was, that the moment he passed into the ideal, he became a radical, and was brought, at once, into violent collision with Williams. Basing his theories, for a time, at least, on conscience, he contended that any person who could conscientiously say that he ought not to submit to any human authority, should be exempt from all law. He asserted and defended this position in a book; yet he was by no means a non-resistant himself. When he obtained political power, he wielded it with such effect against his adversaries, that they called him the *Fire-brand*. Like most men of genius, or eccentricity, who lead an active life, he has a touch of romance in his history. He had several times, in the prosecution of the complicated controversies in which he was engaged, crossed the Atlantic to the mother-

country. Upon the eve of embarking on his last voyage, as if seized with a presentiment of his destiny, he made his will, and had it forthwith proved before the proper authorities. He then left port for England; but, on the voyage, he was taken by a Barbary corsair, carried into Algiers, was there sold into bondage, and detained, as a slave, for one year. He was then ransomed; and, after traveling through Spain and France, he reached London, and there died shortly after his arrival. The mind of Harris was strong; that of Williams, comprehensive.

Samuel Gorton, the chief man of the settlement of Shawomet, (or Warwick,) was a person of the most distinctive originality of character. He was a man of deep, strong feelings, keenly alive to every injury, though inflicted on the humblest of God's creatures. He was a great lover of soul-liberty, and hater of all shams. He was a learned man, self-educated, studious, contemplative; a profound thinker; who, in his spiritual meditations amid ancient Warwick's primeval groves, wandered off into infinite and eternal realities, forgetful of earth and all earthly relations. He did indeed clothe his thoughts, at times, in clouds; but then, it was because they were too large for any other garment. No one, who shall rivet his attention upon them, shall fail to catch some glimpse of giant limb and joint, and have some dim conception of the colossal form that is enshrouded within the mystic envelopment. Yet, in common life, no one was more plain, simple, and unaffected, than Gorton. That he was courteous, affable, and eloquent, his very enemies admit; and even grievously complain of his seducing language. He was a man of courage; and when roused to anger, no hero of the *Iliad* ever breathed language more impassioned or effective. Nothing is more probable than that such a man, in the presence of the Massachusetts magistracy, felt his superiority, and moved and spoke with somewhat more freedom than they deemed suited to their dignity. Far more sinned against than sinning, he bore adversity with heroic fortitude, and, if he did not conquer, he yet finally baffled every effort of his enemies.

William Coddington and John Clarke, two of the leading characters of the island towns, were both men of well-balanced and well-educated minds; less remarkable for originality of thought, than for clear understanding and practical judgments. They constituted a very fortunate equipoise against the eccentricity and enthusiasm of such original geniuses as Williams and Gorton. The former furnished the ballast, and the latter the sails, of the ship. Each was necessary to the other, and both were indispensable to the whole.

Coddington, before he left Boston, was one of the chief men of Massachusetts. He was an assistant, re-chosen several times; treasurer of the colony, and a principal merchant in Boston. He was grieved at the proceedings of the Court against Mr. Wheelwright and others; and came to befriend and assist them on their removal to Newport. He was a common-sense, sober, staid, worthy man. The political difficulty into which he was brought, is as likely to have sprung from his virtues as his failings. He had in him a little too much of the future for Massachusetts, and a little too much of the past for Rhode-Island, as she then was. He died Governor of Rhode-Island, and a member of the Friends' Society.

Clarke was a man of more active and effective zeal in the cause of civil and religious liberty, than Coddington; and was highly competent

to have charge of its interests in the highest places. He was mainly instrumental in procuring the charter of 1663. Though originally a physician in London, he became Pastor of the First Baptist Church in Newport. He was a man of learning; the author of some tracts, touching the persecutions in New-England; and left, in manuscript, a Concordance and Lexicon—"the fruit of several years' labor." To do full justice to Portsmouth and Newport, it should be added, that their first settlers were, generally, men of more property, and better education, than those of Providence. But—

* * * Fuimus Troes, fuit Ilium *
* * * * * Omnia Jupiter Argos
Transtulit.

Such were the leading minds of this State, while yet in its rudimental condition, awaiting a transition to a more perfect form. And I might now say something of the impress which these characters, and their like, have manifestly left on their posterity; but this would be foreign to my present purpose. I have described them as they exist in the conceptions given by History, that we may have some notion of the diversity and originality of the contemporary moral and intellectual forces which were brought into action by them.

Now let us recollect that all this diversity and distinctive originality of character, were to be found within four little neighborhoods, consisting at first of a few families, and, as late as 1663—the utmost range of my present view—of not more than three or four thousand souls. Upon minds thus diverse, original, enthusiastic, active, and, in some respects, conflicting—each bent upon the enjoyment of the most perfect soul-liberty, consistent with a well-ordered community—the Rhode-Island idea, subsisting the same in each and all, took form—stood out in a constituted people—lived, breathed, and thought, in an organization of its own.

When you look for the Constitution of this State, in its essential form, go not to compacts subscribed by men; go not to charters granted by kings; go not to Constitutions given by majorities—they are but faint and imperfect expressions of the great reality; but go to this grand idea, coming down from the distant past—struggling through the blood and turmoil of warring nations—passing through the fiery ordeal of Church and State persecution; and here, at last, find it—standing out—realized—incarnated—in its own appropriated and peculiar people.

This idea, thus realized, consisted, as already stated, of two elements—liberty and law—the pure Reason above, and the common-sense understanding beneath. There is no necessary conflict between these two elements; on the contrary, each is necessary to the proper existence of the other. Yet we shall find, as we follow the internal development of this idea, that these two elements frequently encounter, and sharply contend for victory. The idea being thus given, every new occasion will call for a new application, which will infallibly bring these elements into action. And now let us follow it in some of its manifestations here in Providence, then a small village on the banks of the Mooshausic.

Would that it were in my power, by a mesmeric wave of the hand, to bring Providence before you, as she then was. You would see the natural Mooshausic, freely rolling beneath his primeval shades, unobstructed by

bridge, unfringed by wharf or made land, still laving his native marge—here expanding in the ample cove—there winding and glimmering round point and headland, and, joyous in his native freedom, passing onward, till lost in the bosom of the broad-spreading Narragansett. You would see, beneath the forest of branching oak and beech, interspersed with dark-arching cedars and tapering pines, infant Providence, in a village of scattered log huts. You would see each little hut overlooking its own natural lawn, by the side of fountain or stream, with its first rude enclosure of waving corn; you would see the stanch-limbed draught-horse grazing the forest-glade; you would hear the tinkling of the cow-bell in the thicket, and the bleating of flocks on the hill. You would see the plain, home-spun human inhabitants—not such as tailors and milliners make, but such as God made; real men and women, with the bloom of health on their cheeks, and its elasticity and vigor in every joint and limb. Somewhat of an Acadian scene this—yet it is not, in reality, precisely what it seems. A new occasion has arisen in this little community, which requires a new application of their idea of the State.

Oddly enough—or, rather, naturally enough—this occasion has arisen out of the most interesting of domestic relations. Joshua Verin, that rude, old-fashioned man, with his Church and State idea still clinging to him, has been putting restraints upon the conscience of his wife. Yes, she is desirous of attending Mr. Williams' meetings, "as often as called for," and hearing his Anabaptistical discourses; and her husband has said, "she *shall not*;" and the consequence is that the whole community is in a buzz—the fundamental idea has been infringed. A town meeting is called on the subject, and a warm debate ensues; for Verin has his friends, as well as his wife. The proposition is, that "Joshua Verin, for breach of covenant in restraining liberty of conscience, be withheld the liberty of voting, till he declare the contrary." "And there stood up," says Winthrop, "one Arnold, a witty man of their company, and withstood it, telling them that when he consented to that covenant, he never intended it should extend to the breach of any ordinance of God, such as the subjection of wives to their husbands, and so forth; and gave divers solid reasons against it. Then one Greene, he replied, that if they should restrain their wives, all the women in the country would cry out upon them. Arnold answered thus: 'Did you pretend to leave the Massachusetts, because you would not offend *God* to please *men*, and would you now break an ordinance and commandment of God, to please *women*?'" Winthrop, naturally enough, gives the best of the argument to Arnold; but he may not be fairly entitled to it.

It is the earliest record of a struggle in this State, between new-born Liberty and ancient Law. If the facts were, that Mrs. Verin, after faithfully discharging all her duties as a wife and mother, felt herself in conscience bound to attend Mr. Williams' meetings, and her husband restrained her, it was just such a restraint on conscience as was inconsistent with the new idea of government; and the question, on this supposition, was correctly decided. Liberty won the victory; and Joshua Verin, for a breach of covenant in restraining liberty of conscience, was properly withheld the liberty of voting till he declared the contrary.

But there was another occasion for the application of the fundamental idea, not more important in principle, but far more serious in its conse-

quences. It arose from an attempt of Liberty to come down upon earth, and realize herself entire, to the complete overthrow and destruction of all law and order. It was an idea given by pure reason—an idea subsisting only by relation to the Universal, the Absolute, the Infinite, the Divine—that sought to come down into a special form of humanity, and supplant the plain common-sense understanding of mankind. It was one of those ideas which propose to navigate the ship by plain sailing, over an ocean vexed with winds, and waves, and varying currents, and perilous with islands, and banks, and ledges, and rocks—where nothing but traverse sailing, aided by the chart, will do. It has been the fortune of Rhode-Island, from her infancy to the present hour, to balance herself between Liberty and Law—to wage war, as occasion might require, with this class of ideas, and keep them within their appropriate bounds. And before certain other States—some of them not fairly out of their cradles—undertake to give her lessons of duty in relation to such ideas, let me tell them that they must have something of Rhode-Island's experience, and have, like her, been self-governed for centuries.

William Harris, as already stated, published and sent to the several towns of the colony, a book, in which he maintained, that he who could say in his conscience that he could not submit to any human legislation, ought to be exempt from the operation of all human laws. You will perceive that he bases this proposition upon the liberty-element of the fundamental idea—that he would transmute the relation which subsists between the secret conscience and God, and with which no human law should interfere, into the relations between man and man, citizen and State, and thereby dissolve the government, establish the sovereignty of each individual, and terminate all law.

We may well suppose that, on such a proposition being announced—and announced in such a manner—by a man so considerable as Harris, the excitement in this little community was violent. The very existence of the fundamental idea was threatened, and the art with which the popular element was supported by free quotations from Scripture, excited no little alarm. Williams harnessed himself for the contest, and came forth in vindication of his idea. He made the distinction between the absolute liberty of conscience, and the civil government, clear, by a happy illustration. The crew of a ship might consist of all varieties of creed, and each individual worship God in his own way; but when called upon to do their duty in navigating the ship, they must all obey the commands of the master. Against his orders, given to that end, they must set up no pretence of soul-liberty—no affected conscientious scruples—do their duty they must, each as one of the crew enlisted for the voyage, on peril of suffering the penalties of mutiny. And he accordingly indicted Harris for high treason. The indictment, however, was not prosecuted to effect. Harris gave bonds for his good behavior, and a copy of the charge and accompanying papers were sent to England; thus ended the indictment, but not the consequences of the discussion.

The principles of the government had, indeed, become better understood; the limits of liberty, and the limits of authority, were doubtless more clearly fixed; but the feuds which the agitation generated, did not stop here. Two parties were created by the controversy; and, passing from questions of Liberty, to questions of Law, touching the limits of the

town, they used against each other whatever weapons they were able to command, and carried on their hostilities for twelve or thirteen years. The town was disorganized in the strife. Two sets of municipal officers were chosen, and two sets of deputies were sent to the General Assembly; nor were the dissentions composed, until the Legislature, by a special act, appointed Commissioners, whose ultimate determinations appear to have restored the old order of things.

Such were the developements which the new idea of government received, here in this town, in the infancy of the State. The first, bearing on the relations of domestic life, and the second on the relations of citizens to each other and to the State. But we are now to consider it in its applications to municipalities—to distinct corporations; and to show how it developed itself, when it gave law to a number of independent communities and resolved them into unity and organic form.

A free and absolute charter of civil incorporation, for the inhabitants of the towns of Providence, Portsmouth, and Newport, to be known by the name of the Incorporation of Providence Plantations in Narragansett Bay in New England, was brought by Roger Williams from England, in 1644; but, owing to the claims of Massachusetts, or other obstruction, it did not go into effect until May, 1647. This charter granted the most ample power to the said inhabitants, and such others as should afterwards inhabit within the prescribed limits, to establish such a form of *civil* government as, by voluntary consent of all or the greater part of them, should be found most suitable in their estates and conditions; and, to that end, to make and ordain such *civil* laws and constitutions, and to inflict such punishments upon transgressors, and for the execution thereof so to place and displace officers of justice, as they or the greater part should by free consent agree unto. I omit the proviso, as of no account here. Under this charter guarantee of the Mother Country, the Rhode-Island idea of government was called upon to organize itself with the most perfect freedom, on the four distinct and independent municipalities—Providence, Portsmouth, Newport, and Warwick. And in what manner do you suppose it did develope itself on these distinct and independent bodies politic? Why, it developed itself in a manner the most natural, if not the most effective. It organized for itself a general form of government, which, if not precisely, was, at least strongly, analogous to the organization of these United States, under their present Constitution. I will give you a brief abstract of their form of government, from the "Annals of Providence"—a magazine of facts, from which I take the liberty to draw copiously.

The whole people, forming the General Assembly, met annually, for the enactment of *general laws*, and for the choice of general officers; as President—an assistant for each town, nominated by the town—General Recorder, &c. A general code of laws, which concerned all men, was first approved by the towns, (as the States adopted the Constitution, and still adopt amendments,) but before it could go into effect, it was ratified by the General Assembly of the whole people. All legislative power was ultimately in the whole people, in General Assembly convened. Towns might propose laws, (as States amendments to the Constitution,) and the approval of a General Court of Commissioners might give them a temporary force; but it was only the action of the General Assembly, (the General Government) which could make them general and permanent for

all persons within the colony. But the towns had their local laws, (as the States have theirs,) which could not be enforced beyond their own limits; and they had their town courts, (as the States have State Courts,) which had exclusive original jurisdiction over all causes, between their own citizens. The President and Assistants composed the general court of trials. They had jurisdiction over all aggravated offenses, and in such matters as should be referred to them by the town courts as too weighty for themselves to determine; and also of *all disputes between different towns,* and *between citizens of different towns and strangers.* "It is apparent," continues the same authority, "that the towns, as such, parted with no more power than they deemed the exigency of the case required. They can scarcely be said to have consented to any thing more than a confederation of independent governments. If they intended a complete consolidation of powers, their acts fall far short of it. He who carefully peruses the whole proceedings of the original assembly of towns of this infant colony, will be struck with the resemblance there is between those towns, after that assembly had closed its labors, and the several States now composing the United States of America, under the Constitution." Yes, it is true, that at this early period, whilst Rhode-Island was yet in her rudiments, this, her Idea of Liberty and Law, took form in an organization that already foreshadowed the Constitution of this Union, and foreshowed its practicability.

But do I say that the framers of the Constitution of the United States found their model here? No; but this I do say, than when the several States of the old confederation, following our lead, had gradually abandoned their Church and State combinations, and adopted the Rhode-Island idea of government, that then, this idea thus given by her, did but repeat itself in its most natural and effective form in the Constitution of the United States, and the organization of the Union. Conceive, if you can, I will not say the practicability, but the possibility, of the Constitution of this Union, without that idea of government, which Rhode-Island was the first to adopt, and, against fearful odds, through long years of trial and tribulation, to maintain. Conceive, if you can, thirteen distinct and diverse Church and State governments taking form under one common Church and State government—and if you cannot, then do not deem that assertion extravagant, which declares that without Rhode-Island's idea of Liberty and Law, this Union would have been impossible. True, others might have adopted it, had there been no Rhode-Island. So others might have given us the theory of gravitation, had there been no Newton. Yet the fame and the glory of the discovery, nevertheless belongs to him. Let Rhode-Island claim her own laurels, and we shall see how many brows will be stripped naked, and how many boastful tongues will be silenced.

But let us follow this idea in its further developements. I can speak only of the most prominent; and am under the necessity of speaking of them with all possible brevity.

The government went on under the charter,—all the towns participating—until 1651, when a commission was granted to Coddington, by the Council of State, to govern the Island with a council chosen by the people, and approved by himself. This is properly called an obstruction —and an obstruction to the free developement of Rhode-Island's peculiar

idea of government, it certainly was. She loved liberty, and she loved law and legal authority; but here was too much of the latter—it trenched too far on the liberty element. The main-land towns recoiled from it—fell back upon themselves, and, in the midst of intestine broils and dissentions, often fomented by Massachusetts, continued their government under the charter. The Island towns submitted; but submitted with deep murmurs and invincible repugnance. Roger Williams and John Clarke were immediately dispatched by the several towns of the colony, as their agents to England; and they soon procured a revocation of Mr. Coddington's commission; who, without reluctance, laid down the extraordinary authority conferred upon him. After some delay, owing to a misunderstanding between the Island and main-land towns, all returned to the old form of government, which continued until the adoption of the charter of 1663.

In the meantime, Rhode-Island. ("the Providence Plantations,") notwithstanding all untoward circumstances, continued to prosper, and her inhabitants to multiply. She was the refuge of the persecuted of all denominations, but particularly of those who suffered from the hands of her New England Sisters. She was their shelter—their ark of safety in the storm. Here were no hanging of Quakers, or witches—no scourge—no chain—no dungeon for difference of opinion. Still it was not, as yet, a place removed from all apprehension, or even from very great annoyance. It, for a season, seemed but as a raft,—formed from the fragments of diverse wrecks, and tied together, for temporary security,—upon the bosom of a raging deep, and which, but for the utmost care and diligence, might, at any moment, be rent in pieces.

But the struggles and trials, through which Rhode-Island passed, with her sister colonies, did but give additional strength to her own love of Liberty and Law; and some notice of them belongs as truly to the history of her great idea, as the account which we are giving of its most important developements. In these struggles, whether carried on at the Court of the Stuarts, in the camp of Cromwell, or here in these Western wilds, it might be shown that she still baffled her adversaries, and triumphed alike over their diplomacy abroad, and their menaces and violence at home. I shall confine my remarks to the latter, and name some few prominent facts. They will afford a melancholy interest, but without, I trust, awakening any unkind feelings between the Sisters, as they now are. It will serve to mark the distinctive character of our State, and to confirm her identity. This is an important object to a State of such small territorial extent, and of such a limited and fluctuating population.

Here, then, was Rhode-Island in the midst of three great colonies, Plymouth, Massachusetts, and Connecticut—all bitterly hostile to the heretic—all anxious to rid themselves of her presence, and all regarding her as their natural and legitimate prey. And they, accordingly, fell upon her like three wolves upon the same lamb; and had not God been her shepherd, they must have torn her in pieces. Plymouth claimed the island of Rhode-Island; Connecticut, the Narragansett country; and Massachusetts claimed Providence and Warwick. They would not have left the poor heretics a single rod of ground, on which to rest the soles of their feet, or to bury their dead. Connecticut, repeatedly, asserted her claim to the Narragansett country; appointed officers at Wickford and other places; and often resorted to violence for the enforcement of her laws. Plymouth

was ever a more quiet and tolerant colony than either Massachusetts or Connecticut. She, indeed, insisted on her claims to the island of Rhode-Island, with such earnestness, that Mrs. Hutchinson, a woman of remarkable intellectual endowments, and the kindest sympathies, apprehensive that she might again fall under the jurisdiction of Church and State, fled, with a number of her friends, to Long Island, where they were massacred by the Indians. Plymouth, however, never resorted to force. Her pretence to Shawomet she transferred, or yielded to Massachusetts, rather than attempt to enforce the claim herself. But Massachusetts rested not herself, and gave Rhode-Island no rest. Her claims to jurisdiction over Providence and Warwick, on various pretences, were unremitted. During the village quarrels in Providence, several of its citizens applied to Massachusetts for protection: and she induced them, by some writing of theirs, to pretend to put themselves and their lands under her jurisdiction; and, on this pretence, she actually assumed to exercise her authority, and to enforce her laws, here, in the town of Providence. Thus there were, here in the same municipality, two distinct code of laws, brought to operate on the same persons, and property; and this state of things was effected, according to Winthrop, with the *intent* of bringing Rhode-Island into subjection, either to Massachusetts or Plymouth. You may easily conceive the confusion into which things were thrown, by this atrocious interference in the concerns of this little community. Gorton, who was then at Providence, thought that it had a particular signification for him; and he, and a few of his associates, left Providence, and settled at Shawomet, afterwards called Warwick. There he purchased a tract of land of Meantinomy, the chief warrior sachem of the Narragansetts, and built and planted. But Massachusetts did not allow him to escape so. She assumed the claims of Plymouth, and procured from her an assignment or concession of her pretended jurisdiction over Shawomet. After this, two of Meantinomy's under-sachems, of that place, submitted themselves and lands to her jurisdiction; and then, three or four of the English inhabitants, who had made purchases of these sachems, imitating the example of a few at Providence, feigned to put themselves and property under her protection. Thus trebly fortified with pretences, Massachusetts entered the settlement, at Warwick, with an armed force of forty men, accompanied by many of her Indian subjects; seized Gorton, and his friends, and carried them prisoners to Boston. There they were tried for blasphemy, and for "enmity to all civil authority among the people of God;" and were sentenced to imprisonment in irons, during the pleasure of the Court—Gorton himself narrowly escaping sentence of death. This imprisonment was continued through the winter; and they were then discharged, on condition, that, if after fourteen days, they were found within Massachusetts, Providence, or Shawomet, (the place of their homes,) they should suffer death. These proceedings, far from inducing the people of Rhode-Island to renounce their idea of Liberty and Law, did but strengthen their attachment to it. But the government of the entire colony was soon called upon to defend its peculiar principles by direct action.

During the year 1656, a number of the people called Quakers (more properly Friends,) arrived in Boston, and began to preach and practice their doctrines. No experience had yet been sufficient to teach Massachusetts or her confederates the folly of interfering between God and con-

science; and she began to fine, imprison, banish, whip, and hang the Quakers. But these people could find, and did find, a place of refuge in Rhode-Island; whence they occasionally issued forth, as the Spirit promted, into the neighboring colonies, and startled them with revelations from above. Whereupon the Commissioners of the United Colonies of New England addressed a letter to the President of this place of refuge —the Plantations here—and urged him to send away such Quakers as were then in the colony, and to prohibit them from entering it. With this request, our government promptly refused to comply; alledging their principle of soul-liberty as the ground of their refusal. And they went even further—apprehensive that their adversaries might attempt, in England, where this sect was particularly obnoxious, to effect indirectly, what they could not directly accomplish here, they charged John Clarke, their agent at Westminister, to have an eye and ear open to their doings and sayings; and if occasion were, to plead the cause of Rhode-Island in such sort, as that they "might not be compelled to exercise any civil power over men's consciences, so long as human orders, in point of civility, were not corrupted and violated." Indeed, the love of their peculiar idea of government seems to have grown with the trials through which it passed, and strengthened with its growth. And what will prove that this love had become one and identical with the spirit of this people, and their peculiar idea dearer than life itself, are the facts to which I will now call your attention.

The first settlers at Providence and Warwick, were, at the commencement of their settlements, on the most friendly terms with their Indian neighbors. The Wampanoags, once a powerful people, though now considerably reduced, were on one side, and the Narragansetts, who, it is said, could number four or five thousand warriors, were on the other. A formidable array of savage strength this! and indeed, at that time, the Red Man may be said to have held all Rhode-Island's blood in the palm of his hand, the slightest agitation of which would have consigned it to the dust. Roger Williams, sensible of the perils of his position, early "made a league of friendly neighborhood with all the sachems round about." But this league with savages was necessarily very precarious. They were all alike jealous of the whites; and, if any one provoked a war, it would be, of necessity, an indiscriminate war of extermination—race against race—and Rhode-Island would be the earliest victim. Now the Indians were at war among themselves; and the United Colonies knew how to play off one hostile body against another for their own advantage; and they appear to have done so with little regard, to say the least, to the critical position of the heretic colony. Indeed, it so happens that its particular Indian friends were the particular objects of their unremitted hostility. Meantinomy and the Narragansetts, generally, were, (as has been said,) on the most friendly terms with Williams and Gorton, Providence and Warwick. They cherished and fostered those infant settlements, as savages best could; and it was against this chieftain and his people, that the United Colonies chose to excite Uncas and the Mohegans. Frequent strifes and, ultimately war and battle and slaughter were the consequences. Meantinomy was taken prisoner, and Uncas was advised by the United Colonies to put him to death. Acting on this advice, Uncas murdered his prisoner. The whole Narragansett people were, thereupon,

deeply agitated—hostilities were frequently threatened; nor did the memory of this atrocious deed die out of the Narragansett mind, ere the Wampanoags rose in arms, and the whole body of Indians raised the tomahawk against the whites, without discrimination. Now in 1643, previous to the death of Meantinomy, the four New England colonies, Plymouth, Massachusetts, Connecticut, and New Haven, formed a confederation for their better security against Indian hostilities. This confederation was, indeed, a castle of safety to them, but not to Rhode-Island. She was obliged to stand out exposed to every peril. Between the death of Meantinomy, and the outbreak of Philip's war, again and again, did the fearful cloud of Indian hostility darken the land, and again and again, did Rhode-Island apply for admission into this confederation, and was refused. Refused? No; not absolutely. If she would renounce her idea of government, and come in under the Church and State combination, then, indeed, they would take her under their protection; but until she did, she must stand out exposed to all the horrors of Indian war. Rather than accept such conditions, she chose the exposure. She stood out ready to brave the terrors of Indian ferocity—the midnight conflagration, and the indiscriminate butcheries of the tomahawk and scalping knife. Did she not love her Idea? Was it not dearer to her than life? Did she not feel it to be one and identical with herself, and that to renounce it, would be to commit treason against the Most High, and to terminate her own existence?

By this, her unconquerable love of her own glorious principles, she proved herself worthy of the Charter of 1663. Than that Charter, no greater boon was ever conferred by mother country on colony, since time began. No grant ever more completely expressed the Idea of a People. It, at once, guarantied our ancestors' soul-liberty, and granted a law-making power, limited only by the desire of their Anglo-Saxon minds. It gave them the choice of every officer, from the Commander-in-Chief down to the humblest official. It gave to the State the power of peace and war. It made her a sovereignty under the protection, rather than the guardianship, of England's sovereign; so that the moment that protection was withdrawn, she stood independent and alone, competent to fight her own battles, under her own shield. I shall say nothing more of the powers conferred by this Charter; we have too recently put off, and hung on the castle walls, that Vulcanian panoply, still unscathed, glorious and brilliant with nearly two centuries' wear. We know what it was; God bless its memory!

There are those who are weak enough to think that they degrade the State, by calling this Charter the grant of a profligate king. The fools! As well might they think to degrade a man, by declaring that the garment which he wears was made by a profligate tailor. But those who are endowed with this high wisdom, have yet to learn something of the manner in which Divine Providence operates its results in the great humanity, and that even this Charter is not the work of mere man. They have yet to learn, that there exists, throughout the grand totality, one presiding and all-pervading Mind, which, ever as occasion requires, brings out one element of humanity in opposition to another—balances excess against excess, and makes the best and the worst, the highest and the lowest, of mortals, equally, the unconscious instruments of its great designs; and thus moves man steadily onward, to a higher and higher

sphere of duties and rights. Whence comes the tyrant's will, unless it be from himself? But whence come the instinct of self-preservation, and deathless hope and faith, and that feeling, which knows no master, for the heroic sufferer in virtue's cause? They are all from the Divine Author of humanity; and dwell alike in the beggar and the king.

When Charles the Second heard the tale of Rhode-Island's woes—of the wrongs inflicted upon her by her giant sisters—when he heard of the scantiness of her territory, of the smallness of her numbers—of the perils to which they had been exposed, and of those which they must still encounter, in these distant wilds, could he have been accounted subject to the common laws of humanity, had he refused her feebleness a single demand? Was not this Divine Power his master?—and did he not grant the Charter because he could not do otherwise than obey it? Yes—save as an instrument, neither Charles, nor Clarendon, nor Howard, nor other noble, gave that Charter. On the contrary, that very law of humanity which gave Rhode-Island's idea of government ere Rhode-Island was a name, and after passing it from generation to generation, gave it first to take form here in an infant people—that very law now clad in the panoply of the Charter, and bade it suddenly stand out in the midst of New England's colonies, like another Minerva flashed from the head of Jove.

Well might the surrounding colonies recoil from the splendid vision, and still look on in wonderment at its strange apparition. But be ye not too fearfully astonished, ye simple ones! There is no witchcraft here. It is but an ordinary prodigy of that "Wonder-working Providence" of which ye have spoken so much, and know so little. John Clarke, our agent at Westminister, has not been dealing with the wicked one—he has simply performed his duty as a part of the organization of the great humanity, and that, operating under the laws of its Divine Author, has accomplished this grand result.

Here, then, was Rhode-Island in the midst of them—after all, something more than the peer of her sisters. Her form has still the contour and softness of youth, and something more than a century of growth and discipline must roll away, ere the heart of the young sovereignty shall beat high in the maturity of its vigor, and her bone become hardened, and her muscles strong, to execute the purposes of her unconquerable will—and then—she shall march!—Yes, she shall MARCH!—and her banner shall stream daringly over Ocean's wave, and be rent in shreds on many a battle-field.

But there is some one who thinks, or says to himself; "This is extravagant language for Rhode-Island—a *little* State." My indulgent hearer, whoever you may be, do you know what that word *little* means, when thus applied to a social power—to an integral part of the grand social and moral organization of the race? Do you think that the greatness of a State is to be measured by the league or the mile? Are you really in the habit of estimating moral and intellectual greatness by the ton and the cord? Do you weigh ideas in a balance, or measure thoughts by the bushel? If you do, and your method be the true one, you must be decidedly right, and Rhode-Island is "a *little* State." But if the intellectual and moral be above the material and physical, and if that State be great, which actualizes a great central truth or idea—one congenial to the whole nature of man—one that must develope itself in a manner consistent with

the order of Divine Providence, the great course of events, and leave everlasting results in humanity—then Rhode-Island is not a *little* State, but one of such vast power as shall leave an ever-enduring impression on mankind. Give but the transcendent Mind—the great Idea, actualized—and whether it appear in an individual of the humblest physical conformation, or in the organization of a State of the smallest territorial extent, and the most limited population, it shall tend to raise all mankind up to its own standard, and to assimilate men and nations to itself. The principle of the hydrostatic balance has its reality in the mass of humanity, as well as in Ocean's flood; and give but the great fundamental Idea, brought out and embodied in the ever-enduring form of a State, and it shall act through that form, from generation to generation, on the elements beneath it, until it raise the enormous mass up to its own exalted level.

This, all history proves. The States which have produced the greatest effect on mankind, are not those which are of the greatest material dimensions; but, on the contrary, they are States which, though of small territorial extent, and often of very limited population, have actualized great fundamental truths or ideas. Take Athens, for example; with a ruling population of about twenty thousand, and with a territorial domain of about the extent of our own State, what a dominion did she hold, and holds she still, over the rising and risen civilizations of the earth! Barbarism took light from her lamp; infant Rome organized herself upon the basis of her laws; and surrounding nations were educated at her schools. Her ruling idea was given by the æsthetic element of the mind—strong in the love of the beautiful—and she carried this grand idea into all her social institutions—her religion, her philosophy, her science, her art, and into the athletic discipline of her youth. It reflected itself from the physiognomy and physical conformation of her people; from the statuary of her temples, and from her unnumbered monumental structures. She established an empire of her own, which shall out-last the pyramids—which shall be as enduring and as broad as human civilization. She still teaches by her example, and rules in the truth of her precepts.

Take ancient Judea—a State of small domain, and an outcast among the civilizations of old. The fundamental idea, or great truth, upon which her government was based, and which she carried into all her institutions and sacred literature, was the Idea of the Unity of the Divine. What an influence has this single idea, as derived from her, had upon all mankind! You may trace its influence, through history, from her fall to the present day. It has brought down with it, to all Christian, to all Mahometan nations, a knowledge of her institutions, and the influence of her laws; and, regarding Christianity merely in a secular point of view, as necessarily springing from her in the order of Divine Providence, what a power does she now exert throughout all Christendom! We can put our eye on nothing to which she has not given modification and form. She lives in our laws and institutions—the very current of thought now passing through our minds, and every hallowed sentiment by which we are now moved, may be traced back to the fundamental truth on which her legislator based that *little* State.

To say nothing of Tyre, or Carthage, let us take Rome—a single municipality, that was called, by the state of the world, to propagate her own Idea of Order and Law, among the barbarous nations of the

earth. Rome and the Roman Empire date their origin from the organization of the fugitives and outlaws, that were gathered within the narrow compass of the trench struck out by the hands of Romulus. Within this small space, the roots of an empire; such as the world had never before, and has never since seen, were planted; and thence they shot forth, assimilating to themselves every thing that they touched. Rome went forth in her legion, and did but repeat, on the barbarism of the earth, her own great Idea of Order and Law. She everywhere established her distinct municipal order—assimilated diverse rude nations to her own civilization, and thus enstamped an everlasting image of herself on the race.

I might name many other Republics, of very limited territorial extent and population, but which actualized ideas that transcended the ordinary standard of their age, which have performed a noble part in history, and left an abiding impression on mankind—I might name the small Italian Republics of modern times, and particularly of Venice—that Venice, who, with no boast of territorial extent, built her domain in the sea—drove down her piles in the Adriatic, and enthroned herself thereon as Ocean's queen. But I will not consume your time; enough has been said to show that we must not estimate the capacity and destiny of States by the extent of their territory, or the figures of their census—these are but contingent results, which may, or may not, justify claims to the honor and gratitude of mankind. But, on the contrary, would you truly determine the genius and destiny of a State, ascertain what part—what function in the grand organic order of humanity, is hers—what that principle is which has given her being, informed her with its own life, and actualized itself in her social and political organization; and, if that principle gives a contingent and secondary idea—one inferior to the general mind of the age in which it is called to act a part, such a State, however large its territory or population, cannot be great—it will ever be little, and will become less and less, until it die, and pass out of the system. The order of Divine Providence, the course of events, and the progress of the race, are against it. On the other hand, if that principle give a great fundamental idea or truth—one congenial to the immutable laws of the whole social humanity—one germinating from the inmost soul of man, and transcending the general mind of the age in which it is to take form—such a State cannot be little; however small its beginnings, its destiny is to act a high part in the grand course of events, and to become greater and greater in the worlds both of matter and mind, until, in the fullness of time, it has reflected its image entire, into the bosom of every civilized nation on earth.

Such was Rhode-Island's Idea, and such was Rhode-Island's destiny, (yet to be fulfilled,) the moment she took organization under the Charter of 1663.

Brevity requires that I should now pass from the history of the internal action of this idea, in order to take some notice of its external action, and of the exhibition it made of itself, in the grand theatre of the world. For this purpose, I shall inquire what part Rhode-Island acted in the sisterhood, at a memorable period in her and their history; and we can, thereby, the better determine whether there be, or be not, that, in her conduct, which will give us confidence in these large promises and exalted hopes.

We must suppose, then, that from the adoption of her charter, more

than a century of growth and discipline has rolled away, and brought us to the verge of the Revolution.

And where is Rhode-Island now?—that young sovereignty, so royally armed in her Charter, that she seemed like a goddess suddenly shot down among wondering mortals, from a celestial sphere. Where is she now? There she stands—one of the banded sisterhood—among the foremost, if not the very foremost of the Thirteen. But on whom does she flash the lightnings of that well-burnished helmet and shield, and level that glittering lance with the aim of her yet more glittering eye? It is on "the Mother Nation"—on Parent England! What cause has she for this hostile attitude, and most unfilial ire? Is not her Eden Isle still the resort of England's gentry? and what favor has been denied her? Or what decision, on the numerous controversies between her and her sister colonies, has indicated a single unkind feeling in Mother England's breast? Why, then, does she now band with those Sisters, and raise the hostile lance against England's protecting arm? Ah! she has come on a great mission; not sent by England, but by England's Lord; and she is here, in obedience thereto, to perform her part in a great movement of the progressive humanity. She felt her own Idea of Liberty and Law threatened in the wrongs inflicted on her Sisters; and, oblivious of the past, she stands here, banded with them, in vindication of her Idea. She has, moreover, assimilated them to herself. She has conquered by her example. They have adopted, or are adopting, her own just Idea of Government; and to defend it, has become the common duty of all.

But let us come out of allegory, into plain, matter-of-fact history, that spurns all embellishment. Rhode-Island, according to her high promise, should take a foremost part in this great movement, both in counsel and in action; and now, let us see whether she disappoints our expectations.

Do not understand that I mean to give even a general historical outline of her services and sufferings: I propose merely to name some prominent facts. But in order that these should be duly appreciated, it is necessary to state, that Rhode-Island, at the commencement of our struggle with Great Britain, did not contain a population of more than fifty thousand, of which, probably, one-fifth part was on the islands of the bay and coast; and these were in the occupation of the enemy, for nearly three years of the war;—that the State Treasury was already exhausted, and largely in debt, by reason of the expenses incurred during the French war;—that she was extensively engaged in commerce, to which her beautiful bay and harbors invited her enterprising people, at the same time that they exposed them to the depredations of a naval power. Now, under all these disadvantages, in what was it that Rhode-Island was foremost? Doubtless, each of the Thirteen may claim to be foremost in some things; but I speak only of those first steps, which manifested great daring, or were followed by great results. In what great movements, then, bearing this impress, was she first?*

She was the first to direct her officers to disregard the Stamp Act, and to assure them indemnity for doing so.

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* See the Annals of Providence.

the Revolutionary War."* I use the language of Lafayette. There it was, that this rear guard checked the pursuing forces of Britain, and sustained an orderly retreat; there it was, that our black regiment, with their cocked hats, and black plumes tipped with white, moving with charged bayonets as a single man, twice or thrice rushed on the banded force of British and Hessians, and as often drove them from the ground.† The estimation in which the Rhode-Island regiments were held, both by the Commander-in-chief, and the Continental Army, may be shown by a short conversation between Washington and Col. Olney. There was some disturbance in the Rhode-Island line, and Washington, riding up to Olney's quarters, said, in a state of excitement not usual for him, "Col. Olney! what means this continued disturbance among the Rhode-Island troops?—*they give me more trouble than all the rest of the army.*" "I am sorry for it," said Olney, composedly. "But, General, that is just what the enemy say of them." A smile lit up the face of Washington, and the cloud passed from his brow. The freedom of this reply could have been warranted by nothing, but the known estimation in which the Rhode-Island troops were held, both by Washington and his army.

For nearly three years, during the time that Rhode-Island was making these efforts, the territory occupied by one-fifth part of her inhabitants, was, as I have said, in possession of the enemy, and one-half of the remaining portion of her people may be said to have slept within range of his naval cannon. The shores were guarded; artillery companies were stationed in every town bordering on the bay; the militia were constantly either under arms to repel assaults, or ready at a moment's warning, for that purpose; and in Sullivan's expedition, they were called out in mass. Such were the trials through which she passed, and such the efforts which she made, that on the return of peace, both State and people were utterly bankrupt. All the property within the State, both real and personal, would not have paid the debts of either. The subsequent laws, making paper money a tender, were, in fact, bankrupt acts. Massachusetts, by not adopting this course, forced the oppressed debtors into a resistance of the execution of her laws, and finally into rebellion and civil war. I say not which was the better course. It was, in fact, a choice between great and unavoidable evils; but the course of each State was perfectly characteristic. Rhode-Island dissolved the contract, and saved the debtor; Massachusetts saved the contract, and ruined the debtor. In Rhode-Island, Mercy triumphed over Justice; in Massachusetts, Justice triumphed over Mercy.

Such was the conduct of Rhode-Island, that young sovereignty, when called upon to act out of herself, and upon the world around her. And has she fallen, in anything, short of the high promise given by her fundamental Idea? Have our expectations been in any degree disappointed? Is she not, thus far, first among the foremost, in the great cause of Liberty and Law? In this struggle, she has acted under the liberty element of her Idea, and it has triumphed over illegal force.

But she is now called to another trial, in which the Law element, by force of circumstances, is destined to predominate. She is called to adopt a new constitution, prepared by the Sisterhood for themselves and her; and

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* Annals of Providence, p. 256. † Tradition.

she shrinks from it, as repugnant to her Idea of Government. She had been the first to propose the permanent establishment of a Continental Congress. She had been among the first to adopt the Articles of Confederation under which it was held, and she was now to be the last to abandon them. She had ever felt and acted as a sovereignty, even under England; and every freeman in the State felt her sovereignty and glory to be his own. His own individuality—his own conscious being was identified with her Idea, and he lived, moved, and breathed, as if he were one and identical with her, or she one and identical with him. Under the old confederation, this sovereignty would have been continued, and with it, the same free individuality—the same glorious conceptions of Liberty and Law that had come down from of old. But under the new Constitution —"through what new scenes and changes must she pass—through what variety of untried being," under constraint and limitation to which she had hitherto been a stranger—exposed, perchance, to the annoyance of a new brood of States, or States, at least, that shared not in her sympathies, and which might become hostile for imputed political, if not religious heresies —she paused—she hesitated.—If her Sisters, with something of their Church and State Ideas still clinging to them, and with their royal Governors just cast off—could put on this straight jacket—why let them do it —it might be natural enough for them—but she would hold to the old Confederation whilst she could—she could use her arms and her hands under that; but under this, they would be tied down; and she must pass her helmet and shield and lance into other hands, and trust them for the defense of her own glorious Idea—she determined to cling to the confederation—and who can blame her? I do not—and she did cling to it, until she stood alone, and was obliged to abandon it.

If Rhode-Island lost something of the freedom of her sovereignty, by the adoption of the Constitution of the United States, it must be admitted that she gained much, by the new position into which she was brought with her Sister States. She, in fact, acquired a new stand-point, and vantage ground, from which the influence of her Idea of Government, and of her enterprising and inventive genius has been transmitted, and is continually passing, into every portion of the Union. The Constitution of the United States, itself, had adopted her own original Idea—indeed, without it, as I have said, it could not have been established; and whatever remnant there was of old Church and State Ideas, has, under its influence, long since passed away. In the Constitution and Government of the Union, her own conceptions of Liberty and Law, have been conspicuously exemplified to the nations of the earth; and have produced, and are still producing, on them their legitimate and necessary effects.

From this new vantage ground, she has made her enterprising and original genius more sensibly felt by all. Having cast aside her shield and her lance, Minerva-like, she turned to the spindle and the loom. Without abandoning Agriculture or Commerce, she gave her attention to the Manufacturing Arts. The first cotton, spun by water, in the United States, was spun in North Providence. The first calico printed in America, was printed in East Greenwich. It was from these beginnings that the cotton manufacturing business of this country sprung, and soon came to give a most important direction to the legislation and policy of the Union. It was in 1816, that the manufacturing interest, chiefly of

this State, presented to Congress the great question of protection to American industry, in the most effective form. And from that time to the present, it has been a question upon which the policy of the Government has turned, and, in reference to which, administrations have been established and displaced, as this or that party prevailed.

But she has given occasion to a question more important still—a question touching her own original conception of regulated liberty—a question, however, which she settled for herself, by direct legislative enactment, and almost by judicial decision, nearly two centuries ago; but which now comes back upon her, by reason of the new relations and immature influences into which she is brought. I allude to that question which has grown out of events too recent for a particular discussion here, and at this time, but which I mention, because it forms a necessary part of the History of her Idea of Government. It is a question, which, when raised under the Constitution of the United States, it was well should be first raised and decided here, in a State which has been so long accustomed to preserve a due equipoise between Liberty and Law; and be, then, presented to those States, who are yet vernal in the enjoyment of that Liberty which has been so long her own. Upon their ultimate decision of this great question, may turn the destinies of this Nation. Yet if Rhode-Island continue true to her own just conceptions of government, we need not despair of the final re-organization, even of the elements of anarchy and misrule. By force of her own example, shall she restore them to order. The future is big with fates, in which she may be called to enact a higher part than any that has yet been hers. Let her gird herself for the coming crisis, whatever it may be. Let her recollect her glorious Past, and stand firm in her own transcendent Idea, and she shall, by that simple act, bring the social elements around her, even out of anarchy, into Order and Law.

We have thus reviewed the history of Rhode-Island's Idea of Government—of its internal development, and of its external action; and I now ask you, fellow-citizens, all, whether there be not that in its history, which is well worthy of our admiration: and that in it, which is still big with destinies glorious and honorable? Shall the records which give this history still lie unknown and neglected in the cabinet of this Society, *for the want of funds* for their publication? Will you leave one respected citizen to stand alone in generous contribution to this great cause?—I ask ye, men and women of Rhode-Island!—for all may share in the noble effort to rescue the history of an honored ancestry from oblivion—I ask ye, will you allow the world longer to remain in ignorance of their names, their virtues, their deeds, their labors, and their sufferings in the great cause of regulated liberty? Aye, what is tenfold worse, will you suffer your children to imbibe their knowledge of their forefathers, from the libelous accounts of them given by the Hubbards, the Mortons, the Mathers, and their copyists? Will you allow their minds, in the germ of existence, to become contaminated with such exaggerations, and perversions of truth, and inspired with contempt for their progenitors, and for that State to which their forefathers' just conceptions of government gave birth? Citizens!—be ye native or adopted, I invite ye to come out from all minor associations for the *coercive* development of minor ideas, and adopt the one great idea of your State, which gives center to them all, and, by hastening it

onward to its natural developments, you shall realize your fondest hopes. Let us form ourselves into one great association for the accomplishment of this end. Let the grand plan be, at once, struck out by a legislative enactment, making immediate, and providing for future appropriations; let the present generation begin this work, and let succeeding ones, through all time, go on to fill up and perfect it. Let us begin, and let our posterity proceed, to construct a monumental history that shall, on every hill, and in every vale—consecrated by tradition to some memorable event, or to the memory of the worthy dead—reveal to our own eyes, to the eyes of our children, and to the admiration of the stranger, something of Rhode-Island's glorious Past. Let us forthwith begin, and let posterity go on, to publish a documentary history of the State—a history that needs but to be revealed, and truly known, in order to be honored and respected by every human being capable of appreciating heroic worth. Let a history be provided for your schools, that shall teach childhood to love our institutions, and reverence the memory of its ancestry; and let myth and legend conspire with history, truly to illustrate the character and genius of ages gone by, and make Rhode-Island, all one classic ground. Let a literary and scientific periodical be established, that shall breathe the true Rhode-Island spirit—defend her institutions, her character, the memory of her honored dead, from defamation, be it of the past or present time—and thus invite and concentrate the efforts of Rhode-Island talent and genius, wherever they may be found. Let us encourage and patronize our literary institutions of all kinds, from the common school, to the college—they are all equally necessary to make the Rhode-Island Mind what it must be, before it can fulfill its high destinies. Let this, or other more hopeful plan, be forthwith projected by legislative enactment; and be held up to the public mind, for present and future execution, and we shall realize by anticipation, even in the present age, many of the effects of its final accomplishment. It will fix in the common mind of the State, an idea of its own perpetuity, and incite it to one continuous effort to realize its loftiest hopes. If Rhode-Island can not live over great space, she can live over much time—past, present, and to come—and it is the peculiar duty of statesmen to keep this idea of her perpetuity constantly in the mind of all.

LEGISLATORS OF RHODE-ISLAND![*]

The State which you represent, is not an institution for a day, but one for all time. Generation after generation passes away, but the State endures. The same organic people still remains; the places of those who pass off are filled by those who come; and the same sovereignty still lives on and on, without end. Every particle of the human body is said to pass off out of the system, once in seven years; yet the same organic form still continues here to act its part—to be rewarded for its good, and punished for its evil deeds. It is just so with that body which constitutes the State. The organized people continues ever the same. The individuals which compose it, are its ever-coming and ever-fleeting par-

[*] The members of the General Assembly, then in session at Providence, were invited to attend at the delivery of this discourse; and most of them, it is believed, were present.

ticles, animated within it for a time, and then passing off to be seen no more: but unlike our own frail structures, it is qualified to endure through all time, and, therefore, in all that is done, this idea of its perpetuity should be ever kept before it. A great object is accomplished, when once a people is fully impressed with this idea; it almost secures the immortality of which you thus oblige it constantly to think. One great curse of all popular institutions has ever been, a resort to paltry, temporary expedients—to legislation that looks only to the day, or the petty requirements of the present. But once impress the people with the idea of its own perpetuity, and induce it to act thereon, and you change its character—you humanize it—you make it a being "of large discourse, that looks before and after." Once ingraft this idea upon the minds of the people of this State, and they will live in it—they will love it. They have now a boundless future before them, but "shadows, clouds, and darkness rest upon it." Vague and indefinite hopes they indeed cherish, but they can not anticipate what is to be realized. Strike out, then, the grand plan for the future—give some distinctness to the object of the State's high aim—to the elevated stand, in distant ages, to which she aspires—and, even now, they shall live in that future, just as they already live in the past. They will enjoy it by anticipation, and cheerfully urge the State on to that high destiny, which the God of Man and Nature designed should be hers.

NOTE.

I can not refrain from repeating the acknowledgment of my obligations to the author of the "Annals of Providence," for many valuable facts and suggestions, personally communicated, of which I have availed myself in the preparation of this discourse. Nor can I forget my obligations to the venerable Wm. Wilkinson, whose memory, at his present very advanced age, of the events of the Revolution, seems to be as perfect as if they were the occurrences of yesterday. J. D

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DISCOURSE,

DELIVERED BEFORE THE

RHODE-ISLAND HISTORICAL SOCIETY,

ON THE EVENING OF

Wednesday, January 13, 1847.

BY HON. JOB DURFEE,
CHIEF JUSTICE OF RHODE-ISLAND.

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